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83-4422

30 September 1983
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MEMORANDUM FOR: Harry Fitzwater
Deputy Director for AdministrationJames McDonald
Associate Deputy Director for Administration[redacted]
Chief, Administrative Law Division, OGC

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FROM: [redacted]

Legislation Division, OLL

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SUBJECT: S. 1879 -- Reimbursement of Federal Employee's
Moving Expenses

1. Attached for your information, review and comment is S. 1879, which was introduced on 22 September 1983 by Senator Warner and co-sponsored by Senator Tribble. Senator Warner's introductory remarks are also attached. S. 1879 has been referred to the Committee on Governmental Affairs, where it is pending with no action scheduled at present.

2. S. 1879 is essentially a companion bill to H.R. 3852. The legislative analysis for H.R. 3852 is contained in a memorandum to the DDA, ADDA and C/ALD/OGC from [redacted] AC/Leg/OLL dated 8 September 1983 (OLL-83-2046) and should be consulted for S. 1879 as well. S. 1879 differs from H.R. 3852 only in some non-substantive wording changes and in an amendment to 5 U.S.C. § 5724 (b) (1) to eliminate the \$20/mile limitation on reimbursement for transportation of a mobile home or house trailer.

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3. I look forward to receiving your comments on S. 1879 and its companion H.R. 3852.

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Attachments

cc: [redacted]

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98TH CONGRESS
1ST SESSION

S. 1879

To amend title 5, United States Code, to revise the authority to reimburse Federal employees for certain moving expenses incurred by such employees in connection with a transfer or reassignment in the interest of the Government from one official station or agency to another for permanent duty.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22 (legislative day, SEPTEMBER 19), 1983

Mr. WARNER (for himself and Mr. TRIBLE) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To amend title 5, United States Code, to revise the authority to reimburse Federal employees for certain moving expenses incurred by such employees in connection with a transfer or reassignment in the interest of the Government from one official station or agency to another for permanent duty.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That (a) section 5723(a)(1) of title 5, United States Code, is
4 amended—

5 (1) by inserting "(A)" after "travel expenses";

1 (2) by striking out "manpower shortage or" and
2 inserting in lieu thereof "manpower shortage, (B)"; and

3 (3) by inserting ", or (B) of any person appointed
4 by the President, by and with the advice and consent
5 of the Senate, to a position the rate of pay for which is
6 equal to or higher than the minimum rate of pay pre-
7 scribed for GS-16" after "Senior Executive Service".

8 (b) Sections 5724(a)(2) and 5726(b) of title 5, United
9 States Code, are each amended by striking out "11,000" and
10 inserting in lieu thereof "18,000".

11 (c) Section 5724(b)(1) of title 5, United States Code, is
12 amended by striking out "not in excess of 20 cents a mile".

13 (d) Section 5724 of title 5, United States Code, is
14 amended by adding at the end thereof the following new sub-
15 section:

16 "(g) The regulations prescribed under this section shall
17 provide that the reassignment or transfer of any employee,
18 for permanent duty, from one official station or agency to
19 another which is outside the employee's commuting area
20 shall take effect only after the employee has been given ad-
21 vance notice for a reasonable period. Emergency circum-
22 stances shall be taken into account in determining whether
23 the period of advance notice is reasonable."

24 (e) Section 5724a(a)(3) of title 5, United States Code, is
25 amended—

1 (1) in the first sentence thereof, by striking out
2 "30 days" and inserting in lieu thereof "60 days"; and

3 (2) by striking out the second and fourth sen-
4 tences thereof and inserting after the first sentence the
5 following: "The period of residence in temporary quar-
6 ters may be extended for an additional 60 days if the
7 head of the agency concerned or his designee deter-
8 mines that there are compelling reasons for the contin-
9 ued occupancy of temporary quarters."

10 (f) Section 5724a(a)(4) of title 5, United States Code, is
11 amended—

12 (1) by inserting "(A)" after "(4)"; and

13 (2) by adding at the end thereof the following new
14 subparagraph:

15 "(B)(i) In connection with the sale of the resi-
16 dence at the old official station, reimbursement under
17 this paragraph shall not exceed 10 percent of the sale
18 price or \$15,000, whichever is the lesser amount.

19 "(ii) In connection with the purchase of a resi-
20 dence at the new official station, reimbursement under
21 this paragraph shall not exceed 5 percent of the pur-
22 chase price or \$7,500, whichever is the lesser amount.

23 "(iii) Effective October 1 of each year, the respec-
24 tive maximum dollar amounts applicable under clauses
25 (i) and (ii) shall be increased by the percent change, if

1 any, in the Consumer Price Index published for De-
2 cember of the preceding year over that published for
3 December of the second preceding year, adjusted to the
4 nearest one-tenth of 1 percent. For the purpose of this
5 clause, 'Consumer Price Index' means the Consumer
6 Price Index for All Urban Consumers, United States
7 City Average, Housing Component (1967=100), pre-
8 pared by the Bureau of Labor Statistics, Department of
9 Labor."

10 (g)(1)(A) Subchapter II of chapter 57 of title 5, United
11 States Code, is amended by adding after section 5724a the
12 following new section:

13 "§ 5724b. Taxes on reimbursements for travel, transporta-
14 tion, and relocation expenses of employees
15 transferred

16 "(a) Under such regulations as the President may pre-
17 scribe and to the extent considered necessary and appropri-
18 ate, as provided therein, appropriations or other funds availa-
19 ble to an agency for administrative expenses are available for
20 the reimbursement of all or part of the Federal, State, and
21 city income taxes incurred by an employee, or by an em-
22 ployee and such employee's spouse (if filing jointly), for any
23 moving or storage expenses furnished in kind, or for which
24 reimbursement or an allowance is provided (but only to the
25 extent of the expenses paid or incurred). Reimbursements

1 under this subsection shall also include an amount equal to all
2 income taxes for which the employee, or the employee and
3 spouse, as the case may be, would be liable due to the reim-
4 bursement for the taxes referred to in the first sentence of
5 this subsection.

6 “(b) For the purpose of this section, ‘moving or storage
7 expenses’ means travel and transportation expenses (includ-
8 ing storage of household goods and personal effects under
9 section 5724 of this title) and other relocation expenses under
10 sections 5724a and 5726(c) of this title.”.

11 (B) The chapter analysis at the beginning of chapter 57
12 of title 5, United States Code, is amended by inserting after
13 the item relating to section 5724a the following new item:

“5724b. Taxes on reimbursements for travel, transportation, and relocation expenses
of employees transferred.”.

14 (2) Section 5724(i) of title 5, United States Code, is
15 amended by striking out “5724a” and inserting in lieu there-
16 of “5724a, 5724b,”.

17 SEC. 2. The amendments made by this Act shall be car-
18 ried out by agencies by the use of funds appropriated or oth-
19 erwise available for the administrative expenses of each of
20 such respective agencies. The amendments made by this Act
21 do not authorize the appropriation of funds in amounts ex-
22 ceeding the sums already authorized to be appropriated for
23 such agencies.

1 SEC. 3. (a) The amendments made by this Act shall take
2 effect on the date of the enactment of this Act.

3 (b) Not later than thirty days after the date of the enact-
4 ment of this Act, the President shall prescribe the regulations
5 required under the amendments made by this Act. Such regu-
6 lations shall take effect as of such date of enactment.